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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,291	04/19/2001	Chin Tae Kim	P-204	9587
34610 7590 12/01/2008 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200				
EXAMINER				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: CHIN KIM, SUNG LEE AND TAE LEE

Application No. 09/837,291
Technology Center 3600

Mailed: December 1, 2008

Before Krista Zele, *Deputy Chief Appeals Administrator*
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on May 28, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

APPEAL BRIEF

Claims Appendix

Appellant filed an Appeal Brief dated April 30, 2007 in response to a Notification of Non-Compliant Appeal Brief mailed March 30, 2007. A review of the file reveals that claim 1 in the Claims Appendix of the Appeal Brief is not consistent as amended in the Amendment filed on January 10, 2006. It should be noted that the Examiner's Answer mailed August 16, 2007 stated that the Amendment filed July 6, 2006 was not entered. Appropriate correction is required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief filed April 30, 2007 defective, as required by 37 CFR § 41.37(d);
- 2) notify the Appellant to submit a "paper" which corrects the Appeal Brief's Claims Appendix under 37 CFR § 41.37(c)(1)(viii);
- 3) acknowledge and consider any "paper" submitted by Appellant to correct the Appeal Brief; and
- 4) for such further action as may be appropriate.

Application No. 09/837,291

KZ/tsj

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